

Douglas P. Catalano
Neil G. Sparber
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, New York 10103
Telephone: (212) 318-3000
dcatalano@fulbright.com
nsparber@fulbright.com

Attorneys for Defendant
New York Institute of Technology

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DANIEL CORDERO, KELLY HYDE
and KEVIN HYDE, on behalf of themselves
and all other similarly situated individuals,

Plaintiffs,

vs.

NEW YORK INSTITUTE OF
TECHNOLOGY

Defendant.

12-CV-3208 (SJF)(GRB)

AFFIDAVIT

STATE OF NEW YORK)
 ss
COUNTY OF NEW YORK)

SAMANTHA BELTRE, being duly sworn, deposes and says:

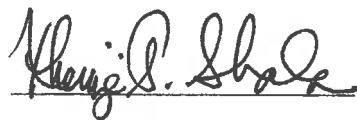
1. I am associated with the law firm Fulbright & Jaworski L.L.P., attorneys for defendant New York Institute of Technology ("NYIT"). I submit this affidavit in connection with NYIT's motion for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the third and fourth causes of action in the complaint for failure to state a claim upon which relief can be granted.

2. I submit this affidavit for the sole purpose of placing before the Court the following documents:

- a. Letter from the Internal Revenue Code dated February 22, annexed as Exhibit A; and
- b. NYIT's Charters Issued by the New York State Department of Education, annexed as Exhibit B.


SAMANTHA BELTRE

Sworn to before me this
4th day of September 2012



Notary Public

XHEVRIJE T. SHALA
Notary Public, State of New York
No. 01SH4935652
Qualified in New York County
Commission Expires Aug. 15, 2014